

**PROVISO SUBCOMMITTEE  
CRIMINAL JUSTICE  
RECOMMENDATIONS FOR FY 2019-20  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**SECTION 47 - P240 - DEPARTMENT OF NATURAL RESOURCES**

**47.8 DELETE** (Cormorant Control) Provides for the department to continue to coordinate a public Cormorant control program with the US Fish and Wildlife Service.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.

~~47.8. (DNR: Cormorant Control) The Department of Natural Resources shall continue to coordinate a public Cormorant control program with the US Fish and Wildlife Service for Lake Marion and Moultrie. The department shall try to coordinate with the Army Corp of Engineers, Santee Cooper, and the USFWS to include waters above and below each spillway, Wildlife Management Areas, and national refuges. The department shall assess the need to expand the program to other public waters and implement a plan if warranted. If the USFWS allows continuation of the control program, the department shall establish an online method of permitting.~~

**SECTION 60 - E210 - COMMISSION ON PROSECUTION COORDINATION**

**60.ptf CONFORM TO FUNDING / ADD** (Prosecution and Technology Funding Distribution) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the funding for Circuit Solicitors' IT Infrastructure & Integration Plan and the Three-Year Caseload Equalization & Prosecution Retention Plan be apportioned among the circuits with the first \$2,400,000 distributed at an amount of \$150,000 per circuit. Direct the remaining \$4,000,000 be distributed based on the average incoming caseload for each circuit for the prior 3 fiscal years. Direct funding be used by each circuit to implement the plan, hire additional prosecutors and retain experienced prosecutors.

60.ptf. (PCC: Prosecution and Technology Funding Distribution) The amount appropriated in this Act and authorized for the Circuit Solicitors' IT Infrastructure & Integration Plan and the Three-Year Caseload Equalization & Prosecutor Retention Plan shall be apportioned among the circuits with the first \$2,400,000 distributed at an amount of \$150,000 per circuit. The remaining \$4,000,000 shall be distributed based upon the average incoming caseload for each circuit as reported by the Judicial Department for the prior three fiscal years. Funding allocated to each circuit pursuant to this item shall be used to implement the IT Infrastructure and Integration Plan, hire additional prosecutors, and retain experienced prosecutors, in accordance with an assessment of each circuit's specific needs as determined in consultation with the Commission on Prosecution Coordination.

**SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY**

**63.op ADD** (Overtime Pay) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require DPS to pay current non-exempt law enforcement officers by October 1<sup>st</sup> for any compensatory time earned and not used in the prior fiscal year. Direct funds be provided from available personal services, appropriated overtime funds and/or employer contributions funds carried forward from the prior fiscal year. Direct that if carried forward funds are insufficient, DPS pay the officers on a percentage distribution based on hours owed per officer up to the total amount that DPS has carried forward.

63.op. (DPS: Overtime Pay) For Fiscal Year 2019-20, the department is authorized and required to pay current non-exempt law enforcement officers by October 1st for any compensatory time earned and not used in the prior fiscal year. The funds for this compensation

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*must be provided from available personal services, appropriated overtime funding, and/or employer contributions funds carried forward from the prior fiscal year. If the amount of carried forward funds is not sufficient to pay all the non-exempt law enforcement officers accrued compensatory time, the department shall pay the officers on a percentage distribution based on the hours owed per officer up to the total amount that the department has carried forward.*

**SECTION 64 - N200 - LAW ENFORCEMENT TRAINING COUNCIL**

**64.3 DELETE** (CJA-Unexpended FY 2017-18 General Funds) Authorizes the Criminal Justice Academy to carry forward unexpended general funds to complete the Village Dorm restroom repairs and training program technology upgrades.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. Requested by South Carolina Law Enforcement Training Council.

~~**64.3.** (LETC: CJA-Unexpended FY 2017-18 General Funds) The Law Enforcement Training Council, Criminal Justice Academy, is authorized to carry forward unexpended general funds from the prior fiscal year into the current fiscal year to complete Village Dorm restroom repairs and technology upgrades for the training program.~~

**SECTION 66 - N080 - DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES**

**66.6 AMEND** (Public Service Employment Set-Up Fee) Authorizes DPPP to charge a \$25 fee for offenders ordered to public service employment. Directs the department to report to the Chairmen of the Senate Finance and House Ways and Means Committees on the number of offenders assessed the fee and funds collected.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete reporting directive.

~~**66.6.** (DPPP: Public Service Employment Set-Up Fee) In addition to any other fee, the department may charge an adult offender placed under the jurisdiction of the department, who is ordered to public service employment by the court, a twenty-five dollar Public Service Employment set-up fee. The fee must be retained by the department and applied to the department's supervision process. The department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the number of offenders who were assessed the set up fee and the amount of funds collected.~~

**SECTION 110 - R520 - STATE ETHICS COMMISSION**

**110.1 DELETE** (Ethics Commission Website Changes) Requires the Ethics Commission, prior to approving or adopting changes to their Public Disclosure and Accountability Reporting System, to submit the proposed changes to the Senate and House Ethics Committees for their review and approval. Authorizes the General Assembly through its respective Ethics Committees to submit suggested changes to any proposed agreement or contract relating to the reporting system and requires the Ethics Commission to incorporate those suggestions into any contractual negotiation.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. Requested by State Ethics Commission.

~~**110.1.** (ETHICS: Ethics Commission Website Changes) In the current fiscal year, prior to approving or adopting any changes to the State Ethics Commission Public Disclosure and Accountability Reporting System, the State Ethics Commission shall submit the proposed~~

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~~changes to the Senate Ethics Committee and House of Representatives Ethics Committee for their review and approval. As third party beneficiaries to any agreement between the State Ethics Commission and a vendor relating to the State Ethics Commission Public Disclosure and Accountability Reporting System, the General Assembly through its respective Ethics Committees can submit suggested changes to any proposed agreement or contract relating to the State Ethics Commission Public Disclosure and Accountability Reporting System and the State Ethics Commission shall be required to incorporate those suggestions into any contractual negotiation.~~

**SECTION 117 - X900 - GENERAL PROVISIONS**

**117.15 AMEND** (Allowance for Residences & Compensation Restrictions) Authorizes specific positions to occupy agency-owned residences without charge and provides compensation guidelines.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to replace “game” with “wildlife” and include “area” personnel. Amend to replace “Fort Johnson Superintendent” with “Heritage Trust Personnel.”

**117.15.** (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the State, including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee. The charge for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial officer at each agency maintaining its own payroll system. This shall not apply to the Governor’s Mansion, nor to guards at any of the state’s penal institutions and nurses and attendants at the Department of Disabilities and Special Needs, and registered nurses providing clinical care at the MUSC Medical Center, nor to the Superintendent and staff of John de la Howe School, nor to the cottage parents and staff of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular working hours in the SLED Communications Center or Maintenance Area, nor to adult staff at the Governor’s School for Science and Mathematics and the Governor’s School for Arts and Humanities who are required to stay on campus by the institution because of job requirements or program participation. Any state institution of higher learning may provide complimentary membership privileges to employees who work at their wellness centers. The presidents of those state institutions of higher learning authorized to provide on-campus residential facilities for students may be permitted to occupy residences on the grounds of such institutions without charge.

Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the amount to be approved by the State Fiscal Accountability Authority.

That the following may be permitted to occupy residences owned by the respective departments without charge: the Farm Director, Farm Managers, and Specialists employed at the Wateree River Correctional Institution; the South Carolina State Commission of Forestry fire tower operators, forestry aides, and caretaker at central headquarters; the Department of Natural Resources’ ~~Game~~ Wildlife Management Area Personnel, Fish Hatchery Personnel, and ~~Fort Johnson Superintendent~~ Heritage Trust Personnel; the Department of Parks, Recreation and Tourism field personnel in the State Parks Division; Director of Wil Lou Gray Opportunity School; President of the School for the Deaf and the Blind; houseparents for the Commission for the Blind; South Carolina Department of Health and Environmental Control personnel at the State

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Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at Lander University; Residence Life Directors, temporary and transition employees, student interns, and emergency personnel at Winthrop University; Farm Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; the Department of Disabilities and Special Needs' physicians and other professionals at Whitten Center, Clemson University Off-Campus Agricultural Staff and Housing Area Coordinators; and TriCounty Technical College's Bridge to Clemson Resident and Area Directors; and housing maintenance night supervisors, residence life directors, temporary and transition employees, and emergency medical personnel occupying residences owned by the University of South Carolina. Except in the case of elected officials, the fair market rental value of any residence furnished to a state employee shall be reported by the state agency furnishing the residence to the Agency Head Salary Commission, and the Department of Administration by October first of each fiscal year.

All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan, approved by the Department of Administration, applicable to all personnel of the State Government whose compensation is not specifically fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for personal service is drawn. The Department of Administration is authorized to approve temporary salary adjustments for classified and unclassified employees who perform temporary duties which are limited by time and/or funds. When approved, a temporary salary adjustment shall not be added to an employee's base salary and shall end when the duties are completed and/or the funds expire. Academic personnel of the institutions of higher learning and other individual or group of positions that cannot practically be covered by the plan may be excluded therefrom but their compensations as approved by the Department of Administration shall, nevertheless, be subject to review by the State Fiscal Accountability Authority. Salary appropriations for employees fixed in this act shall be in full for all services rendered, and no supplements from other sources shall be permitted or approved by the State Fiscal Accountability Authority. With the exception of travel and subsistence, legislative study committees shall not compensate any person who is otherwise employed as a full-time state employee. Salaries of the heads of all agencies of the State Government shall be specifically fixed in this act and no salary shall be paid any agency head whose salary is not so fixed. As long as there is no impact on appropriated funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for designated employee award programs which shall have written criteria approved by the agency governing board or commission. For purposes of this section, monetary awards, if any, shall not be considered a part of an employee's base salary, a salary supplement, or a perquisite of employment. The names of all employees receiving monetary awards and the amounts received shall be reported annually to the Department of Administration.

In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if the institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the average of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year for lodging provided by the educational institution which is comparable to the qualified campus lodging provided to the employee, over the rent paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be determined as of the close of the calendar year in which the taxable year begins, or, in the case of a rental period not greater than one year, at any time during the calendar year in which the period begins.

**117.62 AMEND** (Prosecutors and Defenders Public Service Incentive Program) Directs the Attorney General's Office, the Prosecution Coordination Commission, and the Commission on Indigent

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Defense, in consultation with the S.C. Student Loan Corporation and CHE, to develop and implement a Prosecutors and Defenders Public Service Incentive Program for attorneys employed by the Attorney General's Office, the Prosecution Coordination Commission, the Commission on Indigent Defense, a Circuit Solicitor's Office or a county Public Defender's Office. Provides program guidelines and reporting requirements.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to replace "Prosecution Coordination Commission" with "Commission on Prosecution Coordination." Delete requirement to consult with S.C. Student Loan Corporation and CHE. Replace "county" with "Circuit" Public Defender's Office. Update reporting deadline from "September" to "April."

**117.62.** (GP: Prosecutors and Defenders Public Service Incentive Program) The Office of Attorney General, the ~~Prosecution Coordination Commission~~ Commission on Prosecution Coordination, and the Commission on Indigent Defense, ~~in consultation with the South Carolina Student Loan Corporation and the Commission on Higher Education~~, shall develop and implement a Prosecutors and Defenders Public Service Incentive Program for attorneys employed by the Office of Attorney General, the ~~Prosecution Coordination Commission~~ Commission on Prosecution Coordination, the Commission on Indigent Defense, a Circuit Solicitor's Office or a ~~county~~ Circuit Public Defender's Office.

After more than three years of continuous service as a full-time attorney with any of these entities, qualifying attorneys may be reimbursed up to \$1,000 for payments made in the prior calendar year on outstanding law school loans. Reimbursements for law school loan payments may be increased by up to \$1,000 for each additional year of continuous service; however, such reimbursements shall not exceed \$5,000 in any year. The amount of law school loan payment reimbursement in any calendar year shall not exceed the amount of principal and interest paid on the loan in the prior calendar year. Reimbursements under the program may continue until all outstanding law school loans are satisfied; however, such reimbursements shall not exceed \$40,000 per qualifying attorney. Reimbursements shall be adjusted if necessary so as not to exceed appropriations for the program.

The Prosecutors and Defenders Public Service Incentive Program must be administered by the ~~South Carolina Student Loan Corporation~~ Commission on Prosecution Coordination, which shall pay for the cost of administration within the funds appropriated.

The Office of Attorney General, the ~~Prosecution Coordination Commission~~ Commission on Prosecution Coordination, and the Commission on Indigent Defense shall each compile a report that includes, but is not limited to, the number of applicants and the impact of the program on attracting and retaining attorneys. The ~~Student Loan Corporation~~ Commission on Prosecution Coordination shall also compile a report that includes, but is not limited to, the cost of administering the program as well as the amount of reimbursements per agency or entity. Such reports shall be submitted to the Senate Finance Committee and the House Ways and Means Committee by ~~September~~ April first ~~each fiscal year~~.

Unexpended program funds from the prior fiscal year may be carried forward into the current fiscal year to be used for the same purpose.

**117.bc CONFORM TO FUNDING / ADD** (Criminal Justice Local Broadband Connection and Enhancement Funding Distribution) **PROVISO SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / ADD new proviso to direct PCC and Indigent Defense to develop and implement a Criminal Justice Local Broadband Connection and Enhancement Plan for public defender offices, public safety offices, sheriff offices, police chief offices, county administration buildings and county judicial centers operation within the jurisdiction of a circuit solicitor that used cloud-based software. Require qualifying entities to

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provide proof that the requested funds are not already available with their operating budget and submit a semi-annual accounting of expenditures made with the awarded funds. Require PCC to administer the plan, pay administration costs within the funds appropriated, compile and submit a report to the Senate Finance and House Ways and Means Committees by December 15th. Authorize program funds to be carried forward and used for the same purpose.

*117.bc. (GP: Criminal Justice Local Broadband Connection and Enhancement Funding Distribution) The Commission on Prosecution Coordination and the Commission on Indigent Defense shall develop and implement a Criminal Justice Local Broadband Connection and Enhancement Plan for Public Defender offices, Department of Public Safety offices, Sheriff offices, police chief offices, county administration buildings and county judicial centers operating within the jurisdiction of a Circuit Solicitor that utilizes cloud-based evidence management software for the storage or transfer of discovery.*

*Qualifying entities must provide proof that the requested funds are not available within their operating budget and submit a semi-annual accounting of expenditures made with the funds awarded. Awards shall not supplement the cost of existing broadband connection costs. Notwithstanding, remaining funds may be distributed for the same purpose to Circuit Solicitors with an office in a county with a population of less than 35,000 according to the most recent census information and a per capita personal income of less than \$31,000.*

*The Criminal Justice Local Broadband Connection and Enhancement Plan must be administered by the Commission on Prosecution Coordination, which shall pay for the cost of administration within the funds appropriated, and compile a report on the cost of administering the program as well as the amount of awards granted per agency or entity, and shall submit the report to the Senate Finance Committee and the House Ways and Means Committee by December 15th. Unexpended program funds from the prior fiscal year may be carried forward into the current fiscal year to be used for the same purpose.*

**117.gbr ADD** (Georgetown County Boat Ramps) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct DOT to transfer to DNR the remaining funds from the \$150,000 originally appropriated in Proviso 118.17 (B), item 43(f) of the 2013 Appropriations Act for the Sandy Island Boat Ramp. Direct DNR to credit the transfer to the Water Recreation Resource fund for use in Georgetown County and exempt the amount from being considered part of the annual allocation formula. Requested by Department of Natural Resources.

*117.gbr. (GP: Georgetown County Boat Ramps) The Department of Transportation shall transfer the remaining funds appropriated for the Sandy Island Boat Ramp in Proviso 118.17 (B), item 43(f), Act 101 of 2013 to the Department of Natural Resources. The Department of Natural Resources shall credit the transfer to the Water Recreation Resource fund for use in Georgetown County and the transfer amount is not to be considered part of the annual allocation formula for Water Recreation Resource funds.*

**117.lmn ADD** (Lake Marion Navigation Enhancement Feasibility Study) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct DNR and the Public Service Authority to study the feasibility of enhancing navigation in portions of Lake Marion between the Santee Dam and I-95 Bridge. Direct DNR to work with the Public Service Authority to pursue a plan through the Army Corps of Engineers to conduct a public process to engage stakeholder interests. Direct the Public Service Authority to collect information from prospective contractors to determine whether a cost-neutral market exists for vertical timber.

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117.lmn. (GP: Lake Marion Navigation Enhancement Feasibility Study) The Department of Natural Resources is directed to work with the Public Service Authority to study the feasibility of enhancing navigation in portions of Lake Marion that are between the Santee Dam and the Interstate 95 Bridge. The department's efforts shall include pursuing a comprehensive plan through the Army Corps of Engineers' Planning Assistance to States Program and shall include working with the Public Service Authority to conduct a public process to engage stakeholder interests relative to this concept. The authority shall collect information from prospective contractors to determine whether a cost-neutral market exists for vertical timber that is below the surface of the water and, if collected, would be at a reasonable, navigable depth above the lake bed.

**SECTION 118 - X910 - STATEWIDE REVENUE**

**118.2 AMEND** (Titling of Real Property) Provides for the establishment of a comprehensive central property and office facility management process to plan for the needs of state government agencies. Directs DOA to identify all state owned properties and directs that the title of any property held or acquired by a state agency or department shall be titled in the name of the state under the control of DOA, with certain exceptions. Directs DOA to provide SDE funds equal to the amount realized from the sale of the Greenville Halton Road Bus Shop property for school bus maintenance shop relocations, construction, and shop equipment.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to exempt property under DNR ownership and control based on the adopted language of the SC Budget and Control Board meeting on March 21, 2006. *The B&C Board adopted a policy that exempts specific categories of property pertaining to this provision.* Requested by Department of Natural Resources.

**118.2. (SR: Titling of Real Property)** It is the intent of the General Assembly to establish a comprehensive central property and office facility management process to plan for the needs of state government agencies and to achieve maximum efficiency and economy in the use of state owned or state leased real properties. The Department of Administration is directed to identify all state owned properties whether titled in the name of the state or an agency or department, and all agencies and departments of state government are upon request to provide the department all documents related to the title and acquisition of the real properties that are occupied or used by the agency or titled in the name of the agency. Except for any properties where the department determines title should not be in the name of the State because the properties are subject to reverter clauses or other restraints on the property, or where the department determines the state would be best served by not receiving title, and with the exception of properties, highways and roadways owned by the Department of Transportation, title of any property held by or acquired by a state agency or department shall be titled in the name of the state under the control of the Department of Administration. Titling in the name of the state shall not affect the operation or use of real property by an agency.

This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the South Carolina Division of Public Railways; the MUSC Hospital Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the Midlands Technical College Enterprise Campus Authority, the Trident Technical College Enterprise Campus Authority; the Area Commission of Tri-County Technical College; and the Charleston Naval Complex Redevelopment Authority.

With respect to any past or future acquisition of real property, the application of this provision and prior comparable titling provisions to the South Carolina Department of Natural

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Resources and real property under its ownership or control is subject to the exemption adopted by the South Carolina Budget and Control Board on March 21, 2006.

This provision is comprehensive and supersedes any conflicting provisions concerning title and acquisition and disposition of state owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

The Department of Administration is directed to provide to the Department of Education, funds equal to the amount realized from the sale of the Greenville Halton Road Bus Shop property for school bus maintenance shop relocations, construction, and shop equipment.

- 118.11 AMEND** (Tobacco Settlement) Directs expenditure of Tobacco Master Settlement Agreement (MSA) funds for the current fiscal year. Suspends the requirements of Section 11-11-170 [USE OF REVENUES PAYABLE PURSUANT TO MASTER SETTLEMENT AGREEMENT] for the current fiscal year. Directs that the remaining balance be transferred to a restricted account authorized solely for use by DHHS for the Medicaid program. Requires fund earnings to be credited to the fund and authorizes balances to be carried forward and used for the same purpose.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to require the Attorney General's office maintain a \$1,253,000 balance in a fund for future tobacco arbitration; allow funds above this amount to be used for information technology expenses and building infrastructure upgrades; and authorize these funds to be carried forward and used for the same purpose.

**118.11.** (SR: Tobacco Settlement) (A) To the extent funds are available from payments received on behalf of the State by the Tobacco Settlement Revenue Management Authority from the Tobacco Master Settlement Agreement ("MSA") in the current fiscal year, the State Treasurer is authorized and directed, after transferring funds sufficient to cover the operating expenses of the Authority, to transfer the remaining funds as follows:

(1) \$1,253,000 to the Attorney General's Office for Diligent Enforcement and Arbitration Litigation; \$450,000 to the State Law Enforcement Division for Diligent Enforcement; and \$325,000 to the Department of Revenue for Diligent Enforcement, all to enforce Chapter 47 of Title 11, the Tobacco Escrow Fund Act; ~~and~~

(2) The Attorney General's Office shall maintain a balance of \$1,253,000 in a fund for future tobacco arbitration. Attorney General funds in excess of \$1,253,000 may be utilized for information technology expenses and building infrastructure upgrades. These funds may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose; and

(~~2~~ 3) The remaining balance shall be transferred to a restricted account authorized solely for use by the Department of Health and Human Services for the Medicaid program. Earnings on this fund must be credited to the fund and balances may be carried forward from the prior fiscal year for the same purpose.

(B) The requirements of Section 11-11-170 of the 1976 Code shall be suspended for the current fiscal year.